



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

September 23, 2015

TYLER CLARK, TREASURER  
DEMOCRATIC PARTY OF ARKANSAS  
1300 WEST CAPITOL AVENUE  
LITTLE ROCK, AR 72201

**Response Due Date**

**10/28/2015**

IDENTIFICATION NUMBER: C00024372

REFERENCE: JULY MONTHLY REPORT (06/01/2015 - 06/30/2015)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 3 item(s):

1. Schedule A of your report (see attached) discloses one or more contributions from an organization(s), which is not a political committee registered with the Commission. In order for your committee to accept contributions from unregistered organizations into accounts used to influence federal elections, your committee should take steps to insure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 52 U.S.C. § 30116(f) and 30118 (formerly 2 U.S.C. §§441a(f) and 441b) or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

To the extent that your committee has received prohibited funds, you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided

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written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the prohibited amount must be refunded. (11 CFR §103.3(b)(1))

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer- out or refund. Should you choose to transfer-out or refund the contribution(s), the Commission will presume the funds were impermissible if no statement from your committee provides information to the contrary. Transfers-out and refunds should be disclosed on a Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, prompt action by your committee in transferring-out or refunding the amounts will be taken into consideration.

**2.** A review of the reports filed by your committee indicates that your committee received one or more contributions from "IBEW PAC Voluntary Fund" which has been disclosed on their report(s) of receipts and disbursements as a contribution for the non-federal account (see attached). Please be advised, contributions deposited in a federal account must meet the following conditions: the contributions are designated or expressly solicited for use in connection with federal elections and contributors are informed that their contributions are subject to the limits and prohibitions of the Act. 11 CFR §102.5(a)

If any apparently misdeposited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If the contribution(s) received was misdeposited into the federal account, you may have to make a refund. If within 30 days of receipt you (1) transferred the misdeposited amount to an account not used to influence federal elections, and (2) provided a written notice to the committee making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

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If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the misdeposited amount must be refunded. (11 CFR §103.3(b)(1))

Please clarify if the contribution(s) received from the disclosed donor's federal account was permissible. If the contribution was intended for a non-federal account, please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer-out or refund. Although the Commission may take further legal action regarding the misdeposited funds, your prompt action will be taken into consideration.

**3.** Your May Monthly (4/1/15 - 4/31/15), June Monthly (5/1/15 - 5/31/15), and July Monthly (6/1/15 - 6/30/15) Reports combined, disclose limited payments for administrative expenses. Administrative expenses are payments made for the purpose of operating a political committee including, but not limited to, rent, utilities, salaries, telephone service, office equipment and supplies. Each state, district or local party committee utilizing separate federal and non federal accounts is required to allocate any administrative expenses (excluding salary) between the accounts according to a fixed percentage selected on Schedule H1. A Schedule H1 must be filed with the first FEC FORM 3X filed at the beginning of each calendar year. Payments for salary and wages for employees who spend more than 25% of their compensated time on Federal election activities or on activities in connection with a Federal election must be made from a federal account and disclosed on a Schedule B supporting Line 30(b) of the Detailed Summary Page. (11 CFR §106.7)

Any goods or services provided to your committee by a person, except volunteer activity (i.e., a person's time), would be considered an in kind contribution from that person, and would be subject to the disclosure requirements of 52 U.S.C. §30104 (formerly 2 U.S.C. §434(b)(3)) and 11 CFR §104.13, and the limitations and prohibitions of 52 U.S.C. §§30116 and 30118 (formerly 2 U.S.C. §§441a and 441b). Payments to a consulting, law or accounting firm will be considered acceptable for salary.

Clarification regarding administrative expenses should be provided during each two year election cycle beginning with the first report filed in the non election year. Please provide the necessary information regarding administrative expenses incurred by your committee and/or amend your report to disclose such expenses according to the referenced provisions of the Act and Commission Regulations.

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**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1393.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul R. Stoetzer".

Paul Stoetzer  
Senior Campaign Finance Analyst  
Reports Analysis Division

**Impermissible, Excessive, and Prohibited Contributions  
Democratic Party of Arkansas (C00024372)**

**Contributions from Unregistered Organizations**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
Southwest Laborers District Council PAC	6/29/15	\$1,500.00	2015 July Monthly

**SCHEDULE B (FEC Form 3X)**  
**ITEMIZED DISBURSEMENTS**

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER:  
(check only one)

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<input type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input checked="" type="checkbox"/> 29	<input type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

**International Brotherhood of Electrical Workers Political Action Committee**

Full Name (Last, First, Middle Initial)

**A. Committee to Elect Shirley Berti-Neely**

Mailing Address 91 Main Street

City Inkerman State PA Zip Code 18640

Purpose of Disbursement  
Void - Committee to Elect Shirley Berti-Neely

Candidate Name  
**Shirley Berti-Neely**

Office Sought: ☐ House ☐ Senate ☐ President  
State: District: Disbursement For: ☐ Primary ☐ General ☐ Other (specify) ▼

Date of Disbursement

MM / DD / YYYY  
06 / 19 / 2015

**Transaction ID : 66311790**

Amount of Each Disbursement this Period

-800.00

Void - Committee to Elect Shirley Berti-Neely

**B. Democratic Party of Arkansas**

Mailing Address 1300 West Capitol Avenue

City Little Rock State AR Zip Code 72201

Purpose of Disbursement  
2015 Voluntary/Non-Federal

Candidate Name

Office Sought: ☐ House ☐ Senate ☐ President  
State: District: Disbursement For: ☐ Primary ☐ General ☐ Other (specify) ▼

Date of Disbursement

MM / DD / YYYY  
06 / 22 / 2015

**Transaction ID : 66313889**

Amount of Each Disbursement this Period

5000.00

2015 Voluntary/Non-Federal

**C. Henry for Mayor**

Mailing Address PO Box 5713

City Fort Wayne State IN Zip Code 46895

Purpose of Disbursement  
2015 Voluntary/Non-Federal

Candidate Name  
**Thomas Henry**

Office Sought: ☐ House ☐ Senate ☐ President  
State: District: Disbursement For: ☐ Primary ☐ General ☐ Other (specify) ▼

Date of Disbursement

MM / DD / YYYY  
06 / 22 / 2015

**Transaction ID : 66313890**

Amount of Each Disbursement this Period

2000.00

2015 Voluntary/Non-Federal

**SUBTOTAL** of Disbursements This Page (optional)..... ►

**TOTAL** This Period (last page this line number only)..... ►

6200.00